

Springvale Monash Legal Service Inc
Annual Report 2002/2003



Statement Of Purpose And Hours Of Operation

SMLS Statement of Purpose

SMLS aims to empower and support members of our community to use the law and legal system to protect and advance their rights and broaden and advance their awareness of their responsibilities.

SMLS also aims to develop the confidence, skills and ethics of law students through clinical legal education in a community environment.

Springvale Monash Legal Service Inc.

A 139997 D
ABN 96 206 448 228

5 Osborne Avenue
Springvale VIC 3171
Telephone: (03) 9562 3144
Facsimile: (03) 9562 4534

Hours of Operation:

9am - 5pm Monday to Friday
7pm - 10pm Monday to Thursday

Interviews:

Mornings: 9am - 1pm Monday to Friday
Evenings: 7pm - 10pm Monday to Thursday

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Staff, Volunteers and Students

Board of Directors

Erik Abbenhuys (Treasurer)
Sue Campbell
Bridget Dwyer*
Ross Hyams
Kelley Nimorakiotakis
John O'Sullivan
Mary Rahilly (Staff Rep)
David Starvaggi
Chris Thwaites

Kate Bundrock
Andrew Crockett
Adrian Evans
Fotini Kypraios* (Staff Rep)
Clare O'Neil
Byron Powell*
Emily Slade (Vice-Chairperson)
Vanessa Sweeney (Staff Rep)
Jamie Walvisch (Chairperson)

Lawyers Practice Manual

Sue Campbell
Judith Dickson
Ross Hyams
Sandra McCullough
Pam O'Connor*
Amanda Williams*

Andrew Crockett
Adrian Evans
Elizabeth Lanyon
Maryanne Noone
Simon Smith*

Staff

Angela Apostolou
Susan Ball
Gail Bowden
Lorraine Brooks
Meghan Butterfield
Sharona Frid
Fay Gertner
Stratos Hatziefstratiou
Jodie Henson
Ross Hyams
Christina Klemis
Fotini Kypraios*
Victoria Lambropoulos
Chris Maplestone
Julie Mason*
Karen Mathias*
Kelley Nimorakiotakis
Ruth Nwankwo*
Sonia Parisi*
Mary Rahilly
Alan Ray
Maureen Rodwell
Lucinda Shepherd
David Starvaggi
Val Stolkovska
Vanessa Sweeney
Judy Taylor
Rick Taylor

Administrative Officer
Administrative Officer
Professional Practice Supervisor
Administrative Officer/Network Administrator
Supervisor: SMLS/SECASA Joint Clinic
Litigation Advocate
Locum Professional Practice Supervisor
Community Development Worker
Volunteer Program Coordinator
Director
Administrative Officer
Legal Practice Manager
Locum Professional Practice Supervisor
Casual Administrative Officer
Receptionist
Community Development Worker
Casual Administrative Officer
Volunteer Program Coordinator
Locum Child Support Worker
Child Support Worker
Professional Practice Supervisor
Administrative Officer
Receptionist/ Administrative Officer
Locum Professional Practice Supervisor
Child Support Solicitor
Legal Practice Manager
Finance and Administration Manager
Locum Finance and Administration Manager

* retired during 2002/2003

Staff, Volunteers and Students: continued

Students

Nick Arvanitis
Natalie Attard
Matt Baker-Johnson
Penina Berkovic
Tanya Briffa
Julian Brown
Nick Button
Chang-Rim (Sally) Chung
Katherine Clinton
Matthew Coleman
Maurice Cosentino
Andrew Downie
Katarzyna Dyjak
Michel Esnault
Natalie Fielding
Melissa Gaddie
Michelle Gage
Chamaree Ganegoda
Irene Gioutlou
Caroline Grace
Sam Graves
Annamie Hale
Andrew Halphen
Tamara Hamilton-Noy
Richard Hegedich
Sang Heng
Huong Hguyen
Carolyn Jones
Corinne Jones
Giulia Jonston
Darren Koh
Daniela Kovacevic
Yi-Bo Kuan
Angela Lai
Joanne Lau
Mai Le
Jenny Lee

Jeremy Leibler
Anna Lemish
Amanda Llewelyn
Kaylene Loke
Thomas Lunn
Joel Masterson
Sue-Ann Mathias
Sally Merrie
Peter Mihailidis
Jacquelyn Molony
Narelle Neagle
Sarah Newton
Maria Papageorgiou
Kate Pascal
Noeline Perera
Adrian Polizzi
Deborah Randa
Lejla Ridanovic
Misty Royce
Darren Sellers
David Serry
Sally Shearer
Debbie So
Cybele Stockley
Chiaw Hui Tang
Louie Trajkoski
Irina Tretiakova
Anne Tyedin
Nurcan Unalan
Abbie Underwood
Leon Unglik
Simon Varszeghy
Sanjula Weerasinghe
May Wong
Sophy Woodward
Simon Young

Lists of Staff, Volunteers and Students: *continued*

SMLS/SECASA Specialised Clinic

SuperVisor: Meghan Butterfield

Victoria Campbell
Michelle Gage
Tamara Hamilton-Noy

Stratos Hatziefstratiou
Maria Kourtis
Brenda Lindsell*

Symon Kohut
Zoran Trimbevski

Volunteers

Christine Albanis
Guy Albeck
Ian Alger
Waleed Aiy*
Annette Au-Yeung
Elizabeth Chackola
Rupert Cheetham
Michael Cheung*
Stella Chu
Adam Cooke
Catherine Coxon
Andrew Crockett
Maria-Pina Cusmano
Andrea David
Amanda Delaney*
Sarah Duerloth
Michael Eady
Alexandra Feldman
Hubert Fong
Justin Foster
Bill Grimshaw
Nadeeka Gunatilake
Catherine Guo
James Harkness
Daniel Harrison

Jodie Henson*
Sarah Hinchliffe
Cameron Horn*
Trieu Huynh
James Ioannou*
Anoushka Jeronimus*
Linda Krall
Angela Lai
Tan Le
Joanne Lee
Charles Ling
Tom Lunn
Scott Ly
Trang Ly*
Katerina Makris
Freda Mandikos
Andrea Mapp*
Mary Matthews
Michaela Moloney
Jacinta Morphett*
Eliza Newson
Brenda Lindsell*
Sarah Newton
Tuan Nguyen
Jane O'Connor*

John O'Sullivan
Marika Peirce*
Catriona Penman
John Persico
Adam Peters*
Tien Thuy Phan
Meera Pillai*
Adrian Polizzi
Sowmiya Rajasekaram
Aeron Rice*
Robert Rice*
Doris Sam Yue
Michael Seelig
Leang Thai
Cam Truong
Melissa Tso
Debbie Wong
Eugenia Yang
Ali Yildiz
Simon Young
Adriana Zuccala
Magdalena Zurek

*Retired during 2002-2003

Acknowledgments

The Legal Service would like to publicly acknowledge the wonderful assistance of the following individuals and organizations that supported us in various ways over the last year:

- > All the members of our Board of Directors for their involvement, support and advice.
- > All our volunteers and volunteer supervisors for their untiring efforts.
- > Professor Susan Campbell and Associate Professor Adrian Evans of the Monash University Faculty of Law for their support.
- > Professor Stephen Parker, Marcus Spencer and Ken Hobbs from the Monash University Faculty of Law for their financial advice and assistance.
- > Warwick Heine of the City of Greater Dandenong for his inspired and affable leadership.
- > The staff of the Springvale Community Aid and Advice Bureau for their superb support of our service and our (often mutual) clients.
- > Jodie Nicholls and Henrik Lassen of the firm of Herbert Geer and Rundle for their pro bono work and their involvement in our Community Development program
- > Bronwyn Naylor and Jonathon Clough from the Monash University Faculty of Law for their leadership in the Community Development program
- > Vikki Lambropoulos, David Starvaggi, Michael Schulze and many other members of the Bar for taking on low fee (and sometimes pro bono) clients in an effort to help us out.
- > Janet Harris, Development Manager of the Monash University Faculty of Law for her enthusiastic support and assistance in fund raising and publicity.
- > The staff of the Family Law Assistance Program and Monash-Oakleigh Legal Service for their cheerful assistance in taking referrals.

Director's Report

Ross Hyams
Director

This year, on 27 February, we celebrated our 30th birthday. The day was marked by lunch with staff and students, the ceremonial cutting of a cake and by receiving a card from Simon Smith, the inaugural Legal Service Coordinator. Of course, no one who is currently working at the Legal Service was there at the very beginning (however, Judy Taylor almost wins that prize by having worked at the Legal Service since 1984!) and we owe so much to the work of our founders. Professors Sue Campbell and Guy Powles of the Monash Law Faculty are amongst some of those early pioneers and are still involved in the operation of the Legal Service.

Having been Director for three years, I have discovered that the work of the Legal Service has a sort of on-going creative motion. I have come to realize that a large part of my job involves giving staff, students and volunteers plenty of "space" and encouragement to get on with projects and initiatives which inspires and excites them. A brief discussion here, a bit of feedback there and then stand back and watch the creativity flow!

Again we have had a successful, busy and enjoyable year. The core casework continues every day and the ups and downs of attempting to secure justice for our large client base keeps us all

very busy indeed. However, the Legal Service is a multi-faceted creature that does a great deal more than just deliver casework to its many needy clients. I am often surprised and amazed at some of the things that we manage to achieve over and above the casework and teaching load. I can only offer humble thanks to our very talented and passionate staff and volunteers who not only battle on a daily basis to provide the best possible solution to our clients' tribulations but also find time to educate, counsel and inspire our students.

Internal Matters

Talking of staff, this is my opportunity to update everyone of staff movements during the year:

In July 2002, we were very pleased to welcome Lorraine Brooks to the team as our new information technology staff member. Lorraine has extensive I.T. knowledge and always finds herself extremely active attempting to control a complicated local area network, file server and database which are used by dozens of people on a daily basis – many of them not particularly computer literate!

In November 2002, our Community Development worker, Karen Mathias moved back to her original home (Canberra) with her husband to commence a family. Karen had been

a great asset to the Legal Service and her publishing and promotions background greatly benefited the development of our new Website (check it out at www.smls.com.au) and the production of last year's annual report. Stratos Hatziefstratiou replaced her from the commencement of summer semester. Stratos is no stranger to the Legal Service, having done Professional Practice as one of my students, and then joined the SMLS/SECASA Joint Clinic as a student and later a volunteer. Stratos is zealous in his CD work and his desire to "fight the power" at all times!

Our receptionist, Julie Mason, who had been with us for five years, left in January 2003 to pursue her dream of teaching English in Japan. It was sad to see Julie go, as she had been an integral part of the daily operations of the Legal Service. However, we welcomed back Lucy Shepherd, who had previously worked with us on a temporary basis, into Julie's position.

Ruth Nwankwo stepped down as Volunteer Program Coordinator in February 2003 after a number of years in the position. Jodie Henson, a former volunteer, replaced her and is doing an excellent job of running our nighttime service.

In March 2003, Val Stoilkovska, our child support solicitor, returned

Director's Report: continued

from maternity leave. She is doing a sterling job of balancing new childcare commitments with the constant demands of child support litigation. Her return unfortunately meant the departure of Sonia Parisi, who had done a wonderful job of filling in for Val for almost a year. Sonia went on to bigger and better things as an Aid to the Governor of Victoria.

Also in March, Fotini Kypraios left the position of Legal Practice Manager. Fotini had advised me earlier in the year of her desire to live and work in Europe and she is currently living in Germany. Her intention is to be there for at least a year. Her position has been filled by one of her ex-students (the cycle goes on!) – Vanessa Sweeney. Fotini and Vanessa had a two-week changeover period in March-April 2003 that led to a very smooth transition. Vanessa is doing an impressive job of coming to terms with a large and complicated job and I'm very grateful to have her working with me. I will let Vanessa introduce herself in her own report!

All staff (both new and old) are now being given the opportunity to attend at least one staff training seminar per year, in accordance with the commitment I made in last year's annual report. This opportunity has been enthusiastically taken up by all.

In addition, all the day time solicitor supervisors went on a two day "retreat" in November 2002 to discuss issues relating both to the day-to-day operation of the Legal Service and to long term policy and development. This proved to be a very successful activity, providing us all with the space and time to discuss our work and develop common ideas

for the future of the Legal Service. We are all very pleased that we have followed up and implemented almost all of the decisions that we made. We have decided to make this retreat an annual event.

External Issues

In September 2002, Fotini went on a clinical "liaison" to Germany and Denmark. She had appointments at Law Schools in Duesseldorf, Hamburg, Koeln, Bonn, Muenster and the Australia Centre in Berlin. The objective of the trip was to forge relationships with the relevant academics/heads of faculties to ascertain whether reciprocal or other clinical student exchange programs could be established in conjunction with the students working at the Legal Service. We believe that reciprocal student exchange programs, staff exchanges and mentoring programs would be beneficial to the Legal Service and to the Monash Law Faculty – it would enhance the profile of our clinical program and the international reputation of the legal Service and the Law Faculty. It would appear that the most realistic option in relation to introducing a clinical program into the curriculum of a German university would be to place students in 'externships' or clerkships as part of their undergraduate studies prior to sitting the first State Exam and for the students to get accredited for their effort.

For all this to be possible, however, the relevant European universities would have to have a member of staff willing to do the "ground work", namely liaising with local law firms and government offices to lobby them to participate in at least an initial pilot program. The role of SMLS would

then be one of consulting as opposed to actively organising the program.

Fotini discovered that Düsseldorf, Bucerius and Copenhagen law faculties do not seem too interested to take this workload on board at this time. It may be that support is not found for such an idea perhaps until the each respective University supports the concept of CLE generally, otherwise it would be a project particular members of staff would be taking on in addition to their current work loads.

It is for this reason that the Freie University in Berlin appeared to be an ideal participant. If the legislative climate in West Germany becomes more conducive to the introduction of clinical legal education in the future, lobbying would still need to be done at the higher levels of the administration of the law faculties to 'sell' the idea to them and convince them that they should at least fund a pilot program in this regard.

Unfortunately, Fotini discovered that the opportunities for European law schools to participate in clinical legal education indeed look very limited – however, no pioneering task is ever easy. Despite the fact that there would be large obstacles in the way in the introduction of legal clinics into European Universities, it is our intention to pursue this agenda with the aim of mentoring a viable and vibrant legal education clinic in at least one European law school in the near future.

Fund raising

Our 30th birthday provided an excellent opportunity for fund-raising and for promoting ourselves amongst our

Director's Report: continued

alumni and the wider community. In March 2003, I met with the Law Faculty's new development Manager, Janet Harris. This led to a number of subsequent meetings, including Janet taking a tour of the Legal Service to actually see what we wish to raise funds for. We managed to obtain the services of Jon Faine of ABC radio fame (a Springvale alumnus himself) to sign off the request letter to all Law Faculty alumni requesting a donation to the work of the Legal Service. The fund-raising campaign that Janet originally conceived was primarily described as "innovative" as it contained a parody of a "letter of demand" to all recipients. It can best be now described as "controversial", although "disastrous" was the first adjective that came to mind when the campaign initially commenced. It raised hackles in some, merely eyebrows in others and also a decent amount of donations. The final figure is yet to be determined, but according to Janet, the results are significantly better than previous years. We are also on a promise that these funds are exclusively being raised for the Legal Service.

Visits and Visitors

As usual, we have done plenty of hosting, morning teas and Legal Service tours over the past year. I have also done my own share of visiting other agencies -

On 12 September 2002, the Legal Service held its Annual General Meeting. Melissa Castan, a lecturer at Monash University and a Director of the Castan Centre for Human Rights was the speaker. She provided an interesting presentation of the work that the Centre is currently undertaking and advice on

how we can all become involved. In the same month, I went with Isabelle Droulers, then the Student Support and Alumni Coordinator of the Law Faculty, to Moe for a meeting with the President of the Gippsland Law Society. Isabelle had received an approach from the Gippsland Law Society regarding the idea of student placements in Gippsland Law firms. If this plan proceeds, we may be able to provide a number of places to Monash Law Faculty students to spend time working in private Gippsland law firms - this would fulfill the needs of many students who are unable to gain experience working at the Legal Service through the Law Faculty due to the large demand for places.

Also in September 2002, we hosted a visit from two members of the administrative staff of SCALES, the Legal Clinic attached to Murdoch University in Western Australia.

I attended a "Volunteer's Fair" in the Monash Law Faculty in October. We promoted the work of the Legal Service amongst law students and received applications from dozens of students to volunteer at the Legal Service.

Also in October, I represented the Legal Service at the Annual General Meeting of the Springvale Community Aid and Advice Bureau. This was a very well presented and attended meeting.

On 29 October, I had a meeting with two solicitors from Deacons Lawyers, who agreed that Deacons' pro bono commitment to the Legal Service for 2002/2003 would be the writing of a chapter in the Lawyers Practice Manual dealing with unfair dismissals.

In late 2002, I had the opportunity to edit the first draft of the chapter. Work is continuing and publication in the Manual is expected soon. On 13 November 2002, the Legal Service commenced its new Website. Warwick Heine, Chief executive Officer of the City of Greater Dandenong, launched the Website. Lunch was provided and a number of members of staff from local agencies attended.

Ken Hobbs, Law Faculty Manager, visited for morning tea in November. On 25 November, Fotini and I, with a number of students, attended the Law Institute's Fun Run around the Botanical Gardens.

On 28 November, I was fortunate enough to attend a presentation of the Corrections Community Development Group at Port Phillip Prison. The group provided an excellent presentation to the prison inmates about the criminal procedure and the court system, which was very well received. More details about the work of this Group can be found in Bronwyn Naylor's report.

We hosted lunch for Heidi Plucknett, the Executive Officer of the Australia Centre in Berlin, on 16 December.

On 3 April 2003, we had visits from Ian Horrocks, chairperson of the Federation of Community Legal Centres and Kate Hamond, the Legal Ombudsman.

On 7 April, we hosted Cathryn Geddies and Chantel Veldhoen of the Geelong Community Legal Service. They were in the process of establishing a small clinic at Geelong Community Legal Service, linked with law students from Deakin University.

Director's Report: *continued*

I have been very happy to be of assistance in the establishment of that program.

On 15 May, Theo Scheepers from CLARISA (Centre for Law and Reconciliation in South Africa) attended the client in-take session to learn how the Legal Service operates.

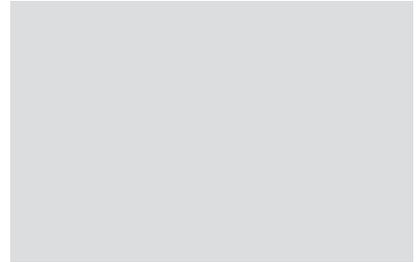
On 28 May, I attended a meeting with Sharon Jacobson of "Off the Map" and Bronwyn Naylor of the Law Faculty regarding the Corrections Community Development Group. Sharon works freelance and has developed and facilitated a number of drama and theatre projects in Victorian men's prisons. As a result of our meeting, Sharon submitted a proposal for an executive director's grant to the Victorian Law Foundation to prepare experiential learning exercises to augment the current court readiness program being run by our CD group. We have recently learnt that Sharon's proposal was accepted by the VLF - this means the project will now go ahead. This is a wonderful result for the Corrections Community Development Group and will result in a highly professional program that we will be able to deliver at Port Phillip and other prisons. I would like to take this opportunity to thank both Sharon and Bronwyn for their relentless energy in this area.

In summary

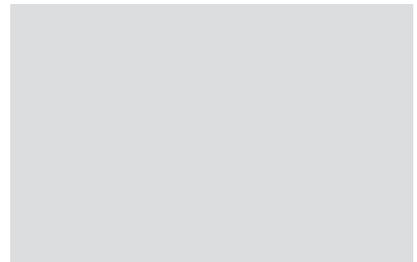
It's been an eventful timetable, worthy of an organization that has achieved its 30th birthday and has had the time to mature and develop its outreach to its clients, its community and the volunteers and students who come to the service to learn and be challenged. I am very proud to be Director of an organization that has such a wonderful reputation for service delivery, competence and a strong ethos of caring for its service users, staff, students and volunteers. In my many discussions with members of the profession and workers in other community agencies, I have realized that students, staff and volunteers who have worked at Springvale Monash Legal Service come to think of themselves of belonging to somewhat of an elite "club". Often, ex-students will report to me that they were dealing with another professional and, in the course of their conversation, both identified themselves as Springvale alumni – an immediate bond is formed as they reminisce over their days at the legal "coal-face".

I hope you enjoy reading the reports from all the people who put their hearts and souls into the work of this organization.

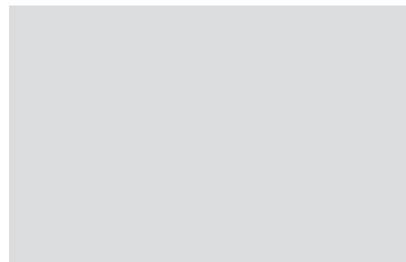
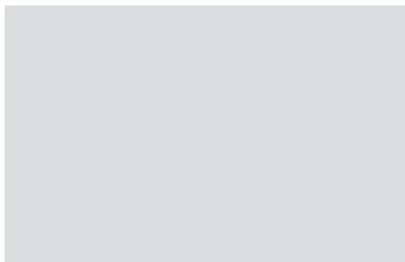
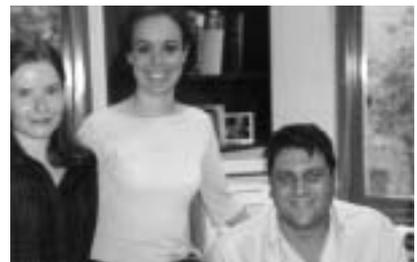
I look forward to another exciting year.



Ross Hyams



Ross Hyams and some of his Friday group of students



Legal Practice Manager's Report

Vanessa Sweeney
Legal Practice Manager

When Fotini Kypraios offered me the position of Legal Practice Manager, she was able to talk non-stop for fifteen minutes about the benefits of taking on the position. However, it was not Fotini's sales pitch that lured me back to the Legal Service. It was my inside sneak preview to the workings of the Legal Service two years prior as a student. My recollections of the Legal Service were that it seemed to be one of the most vibrant and exciting workplaces in existence. The staff were hard working and incredibly dedicated and were always happy. Of course, the real reason I accepted the position was that I was able to work with my life mentor, Mr Ross Hyams!!!

I have successfully survived my first semester back at the Legal Service and I must say it is quite a change to be sitting on the other side of the fence. All my worries, concerns and fears of accepting the position of Legal Practice Manager and of being ripped out of my comfort zone have vanished. I now feel like a very proud first time mother hen of a group of exceptionally dedicated and motivated students.

My recollections of the Legal Service were that it seemed to be one of the most vibrant and exciting workplaces in existence.

I can already hear myself saying as I have heard Ross say many times before "He was one of my students" and "She was one of mine too". Whilst my first change over has proved to be a very sad occasion, the new semester has brought with it 24 new faces and personalities. The new students have already proven themselves to be very motivated and dedicated.

Changes to SMLS

The Legal Service has undergone major changes during 2003. The old compactus room has been converted into an office for Stratos Hatziefstratiou our Community Development Worker. This has allowed each solicitor to have a separate office and has given Stratos space to hold Community Development meetings with students. Much to Ross's disgust his two newest members of staff have the largest offices within the Legal Service.

The library and the loose-leaf service have undergone a face-lift and everything is now in alphabetical

order! The Solicitor Referral Booklet has been updated and we are now in the process of updating the General Referral Booklet.

The filing system was in need of a major overhaul and thanks to a great team effort and a special thanks to Judy Taylor all files are now back in numerical order.

The files drawers have also been fixed and now all open and close with ease.

The kitchen has been revamped and all students and staff have been duly warned of my foot up one's backside policy if the kitchen and work areas are left in an unacceptable state.

Federation of Community Legal Centres

I have been making the trek into the big smoke and fighting off parking officers so that I am able to attend Federation Meetings. Being involved in Federation is beneficial in that the Legal Service is able to keep up to date with any issues and developments that are being undertaken by our governing body.

On the 17 June 2003 I was entertained by Peninsula Legal Service when I had the pleasure (or you could say duty) of undertaking the Insurance Cross Check.

Legal Practice Manager's Report: *continued*

The opportunity to meet the staff from Peninsula Legal Service and to view the way their Legal Service operates was very beneficial. The Legal Service was Cross Checked by Peninsula Legal Service on 23 June 2003. We were reported to have well-maintained and clear files.

The first conference I attended in my role as the Legal Practice Manager of the Legal Service was the State Federation of Community Legal Centres Conference on 26 and 27 June 2003 at Trades Hall. What an eye opener it was. I was very glad to have the company of Stratos Hatziefstratiou who was also attending his first Federation of Community Legal Centres Conference.

The main objective of the conference was to discuss the strategic plan and the Victorian Justice Statement. We attended many workshops and plenary discussions with topics ranging from media and lobbying to dealing with difficult clients. I found that Conference to be an interesting introduction to the world of Community Legal Services.

Seventh Australian Clinical Legal Education Conference

Ross, Alan Ray and I attended the Seventh Australian Clinical Legal Education Conference hosted by Griffith University at Caloundra, Queensland.

The theme to the conference was "Strengthening links between learning, service, research and practice". The conference had a strong international presence with delegates from Argentina, England, India, New Zealand, the United States

of America and Vanuatu.

The conference was interesting, thought provoking and challenging with many interesting works shops and plenary sessions being held. Whilst we were the envy of most of our students leaving the cold and wet weather of Melbourne to "holiday" in Queensland as one would predict the cold and wet weather of Melbourne followed us on our journey North. Despite the rain Ross was insistent on spending as much time in the spa as he could. And as soon as all sessions were over one could find him massaging away the days learning in the spa despite rain, hail and thunder.

Coming up

I will be attending the National CLC conference in Hobart from 31 August 2003 – 3 September 2003. It is very important that the Legal Service be represented at the conference and to be active in issues facing the Federation of Community Legal Centres.

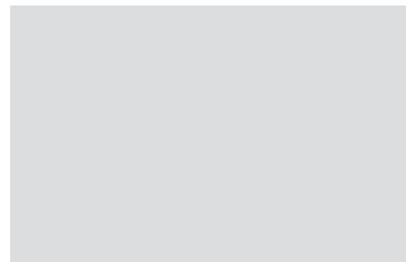
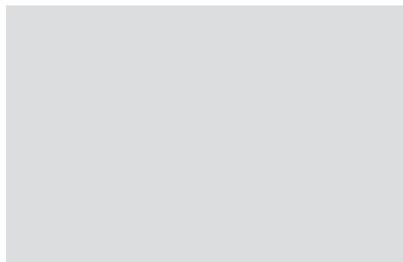
I have found the position of Legal Practice Manager rewarding and exciting. I am looking forward to the next 12 months and the challenges that await us!



Fotini Kypraios, Vanessa Sweeney, Stratos Hatziefstratiou



Lucy Shepherd, Vanessa Sweeney, Sang Heng



Child Support - a Year of Feast or Famine.

Mary Rahilly
Child Support Worker

This has indeed been a year of feast or famine in Child Support. Pursuant to the popular belief that there exist a great many Child Support issues that are 'unsettled' (to put it mildly), there have been periods during the year where client numbers have diminished, somewhat dramatically. While these have been fantastic opportunities to catch up on all that (ich!) administrative stuff, one can really only presume that The Child Support Workers of Victoria have resolved all the pending irresolvable matters to be had, albeit at certain times during the year. A notion I hold dear (for as long as it lasts!).

Our concerns with the lapse in clients accessing the Child Support services available are that clients are not being referred at the first point of contact. This has hopefully been resolved by the Child Support Agency's reinstatement of the practice of providing clients with a list of support services in this State. It appears that numbers of clients accessing the service has climbed again and, sadly, the parade of the invincible Child Support Workers of Victoria has been rained upon. Oh well, it was nice while it lasted.

There has been a sharp incline in the amount of payer fathers accessing our service, which is an interesting point for which I have no analysis. Maybe

more payee parents are receiving the service they need. Maybe not.

It has to be said that the networking with other Child Support Workers both locally and around the country is continuing to be invaluable to our practice, encompassing the currency of issues, sharing of information and the generally warm and sharing atmosphere created by these competent and dedicated people. Locally, the Federation of Community Legal Centres group has begun to look at proactive options for the group, the National Teleconference has provided all of the above and a great view of what is happening in other States.

In our little corner of the woods, we have seen the sad loss of Sonia Parisi, our Child Support Solicitor, who was filling in for Valentina Stoilkovska while she was on maternity leave. Gladly, Sonia has gone onto greater things as Aid to the Governor of Victoria (sounds impressive, doesn't it?), but her expertise in food (and plenty of it!) and her vibrant personality and ability to work in a team will be sorely missed. Val has returned, newly a mother and currently working one day a week. We look forward to her coming in for two days per week soon.

One issue in Child Support that has struck me is the issue of the increase

of family violence when the payee parent registers for child support or seeks to have an assessment increased. As is so often the nature of family violence, this is a silent problem. Family violence has been identified as being able to increase as much as five fold where there is a child support issue, when there has been violence in the relationship. It is hoped that we can secure a Community Development/Welfare student to conduct research in this area. We have been collecting information from various sources for some months, and await the person power to conduct this research. If you have had any experience in this area, please forward any information on this issue to me at this Service.

Aside from all this, I can only say that the work we conduct in child support is stimulating, challenging and even sometimes rewarding. Many people say to me "Why on EARTH are you doing Child Support?" To which I can only reply that it is challenging, sometimes tedious and discouraging, but the rewards are great when they occur. After all, it is our most valuable asset - our children - we seek to protect.

Intervention Order Support Scheme (IOSS)

Stratos Hatziefstratiou
Community Development Officer

When I took over as Community Development Officer from Karen Mathias in November 2002, I also took over the role of coordinating the IOSS scheme. The scheme operates out of the Legal Aid office on the first floor of the Dandenong Magistrates' court, which is where most of the intervention order hearings are run at that court.

The IOSS scheme still operates each Monday and Wednesday, except for the week containing the first Wednesday of the month, when it runs on Monday and Friday. These are the days when the Crimes Family Violence cases are listed at Dandenong. Unfortunately, this arrangement is somewhat confusing for our staff, clients, and volunteers, sometimes leading to scheduling difficulties for the volunteers. However, it appears that this arrangement is here to stay, at least for now. Since around April 2003, the court has also been holding an extra hearing day on some Fridays, as the caseload for the week has been too large to deal with over two days alone. For those extra hearing days, we attempt to find a volunteer barrister/solicitor to attend the court for a few hours. Failing that, I usually attend by myself in order to offer procedural assistance to clients and to attempt to broker agreements for orders by consent.

Most intervention order matters concern family violence and stalking matters, as has always been the case. However, the number of neighbourhood disputes coming to our attention are increasing dramatically.

There are also several alarming trends which I have repeatedly observed in intervention order proceedings since taking over the scheme:

- > a number of matters dealt with on previous dates are returning to court, either for further contest, or under applications for variations or revocations.
- > some parties continually return to court, to apply for orders against other parties who were somehow involved in the matter for which they previously attended court.
- > many undertakings are being broken, and the parties involved are returning to court to obtain full orders.
- > many parties appear to be manipulating the court process by applying for orders on a fictitious basis, or for purposes other than their own safety, such as making things difficult for another party in terms of property division or child residence proceedings.

- > many intervention order proceedings arise out of contact changeovers, under contact arrangements that are either not properly thought out, or where circumstances between the parties have changed.
- > the defendants in intervention order matters frequently retaliate to being served with orders by applying for orders against the original applicants, usually on what appears to be a fictitious basis, so that it becomes a case of tit for tat.
- > a number of parties, particularly applicants, attend their hearing without any preparation whatsoever. They often fail to realise that they should receive legal advice prior to the hearing, and they often attend court on their hearing day without their applications, police statements, supporting evidence, or witnesses.
- > defendants appear to be more frequently represented by a solicitor or barrister than applicants, who are often disadvantaged in such situations.

We have found that a greater number of people know about the IOSS scheme than was previously the case. This has in some part been due to

Intervention Order Support Scheme (IOSS): *continued*

my involvement in many community groups, as well as the fact that I have now set up a regular intervention order forum to be held each quarter at the court. The purpose of the meetings is to ensure that in dealing with intervention orders, the practices of the court, community organisations, domestic violence services and legal services are as efficient, responsive, and consistent as possible. Getting representatives from all these interest groups together also allows us to tap into all of the different organisations that come into contact with victims of domestic violence, so that we can better coordinate our services. The meetings are also an invaluable opportunity for attendees to discuss any issues or perceived inadequacies in the system

Most of the parties seen by IOSS are referred by court support workers, court staff and the registrar, Keith Turner. We also get a lot of referrals prior to the day of the hearing from WAYSS domestic violence outreach workers and various other community groups. In addition, Professional Practice students now regularly refer SMLS clients to the

IOSS scheme for assistance either on the day of their hearing or prior to a hearing. Consequently, the scheme has a great demand on its services.

Unfortunately, as the demands placed on the service has grown, the number of volunteer solicitors and barristers has dwindled, with our list having been recently reduced to 19, compared to 25 in November 2002. This year, some volunteers have also been unreliable in terms of turning up for their rostered sessions, and we are often unable to find last-minute replacements, meaning that I have had to attend sessions by myself. Since November we have been trying to increase our base of volunteers to allow us to cope with such emergencies, but without much success.

As always, the time, expertise, and support provided by our volunteer solicitors and barristers has been invaluable, and we'd like to thank those volunteers, both past and present:

Lisa Gross
 Florin Burhala
 Carmela Lonetti
 Angela Burr *
 Karen Jones *
 Sue Macgregor
 Robert Halliday
 Angela Cranenburgh
 Kelvin Legg

Petra McHugh
 James Gorton
 Rohan Hamilton
 Anthony Krohn
 Sylvia Maramis
 Gerard McKeown
 Kaye McNaught
 Mariolina Reale *
 Richelle Scherman

Tony Thomas
 Victoria Lampropoulos
 Rosa Mimo
 Peter Ditchfield
 Tse-Ern Ang

(* volunteers who have left in the past year)

Community Development Projects in 2002/2003

Stratos Hatziefstratiou
Community Development Worker

This year's students have been extremely enthusiastic in terms of the work they have undertaken as part of the Community Development component of Professional Practice. Not only have they come up with a range of interesting, exciting, and original ideas for their projects, but many of them have far exceeded the workload expected of them for that component of the subject. Following is a brief description of some of the Community Development projects undertaken by the students in first semester 2003.

Child Abuse and Family Violence Group

The Child Abuse and Family Violence Group has been working in conjunction with the Herbert Geer & Rundle Lawyers' Pro Bono Committee and Australians Against Child Abuse, an organisation which is extremely active in campaigning for children's rights.

This CD group has undertaken research for the purpose of preparing a submission to State and Federal Government to push for legislative change. Research has revolved around issues relating to children's rights and protection. A particular area of interest is the common law defence of 'lawful chastisement', which

provides that a person may lawfully administer corporal punishment if it is deemed to be 'reasonable'.

AACA and HGR believe that the failure of the law to protect children necessitates the removal of or at least a modification of the 'reasonable chastisement' defence. Such a change would be in line with the Crimes Amendment (Child Protection – Excessive Punishment) Bill 2000 introduced in NSW with a view to restricting this defence. Currently, no other States have restricted the common law defence, although several are exploring the possibility of doing so.

This semester's report followed a natural progression from the previous reports, which examined what the law was in different jurisdictions, both Australian and international. The report began by examining corporal punishment in Victoria, followed by an analysis and critique of the current mandatory reporting regime, including suggestions for future reform. Next, the report evaluated the effectiveness of Sweden's ban on corporal punishment, as well as examining the lessons to be learnt from this approach for Victoria. The report also contains an investigation of the processes used to reform the law in NSW and a comparison of the NSW position to the

current Victorian position. Finally, the state of the law in Tasmania and the United Kingdom were considered as a way of canvassing options for reform in Victoria.

SMLS Video Development Group

The Video Development CD Group aims to make an informational video introducing SMLS and the full range of services which we provide to the community. The students met with Channel 31 in first semester 2003 and arranged for them to screen the finished product in several different timeslots for different ethnic groups, complete with subtitles. The group also obtained a small grant from the City of Greater Dandenong to assist in paying for some production costs, and we have also raised some money by selling chocolates at SMLS.

Filming took place after two semester's of script-writing and planning. Next semester's group will begin to undertake the task of editing the filmed scenes, putting them together, and adding subtitles for the different versions to be aired on Channel 31. We are also planning to have a 3 to 4 minute version of the film made available on the SMLS internet site.

Community Development Projects in 2002/2003: *continued*

We are hoping that we will have the video completed and ready to be aired by Channel 31 by the end of this semester.

Medical Issues CD Group

The Medical Issues CD group replaced the Mental Health group last semester, however this group retains an emphasis on mental health issues. For instance, three of last semester's students, with my assistance, undertook to organise a public forum on mental health titled "Mental Illness In Today's Society," which aimed to spread awareness of mental health issues among the community. The forum required a huge amount of work from all involved, including planning, inviting attendees, organising speakers and their topics, circulating emails, buying food, booking a hall, raising funds to cover costs, and setting up the venue. The event was held at Monash towards the end of first semester, and was immensely successful. The speakers were extremely passionate and informative, and some very good feedback was

received from the attendees, many of whom participated in asking questions of the speakers or in making comments during question time.

Another student in the CD group wrote an analytic piece on whether Victoria should introduce a specialist court for mentally ill offenders, akin to the concept of the Drug Court in Dandenong. The piece was based on interviews with court staff as well as research of mental health courts in other jurisdictions, both interstate and overseas.

Other students undertook assignments relating to various medico-legal issues outside the scope of mental health. One student wrote a series of pamphlets setting out the rights of AIDS and HIV sufferers in relation to privacy and confidentiality, while another wrote an informational booklet for medical patients regarding sexual abuse in the context of the patient-practitioner relationship, how to recognise it, and the options available to patients in such circumstances.



SMLS Staff



Fotini Kypraios and her group of students

“Driven to Despair”: The Making of the ‘Mental Illness in Today’s Society’ Forum

Stratos Hatziefstratiou
Community Development Officer

Eight months into my ‘tenure’ as Community Development Officer, I was beginning to feel as though I just may have grasped the demands of my position. But then, three annoyingly enthusiastic students decided that for their Community Development (CD) project, they wanted to organise a public forum to raise awareness of mental health issues. Little did I know that I would be dragged along for the ride, kicking and screaming.

Our first task was to organise speakers for the event. At the time, I thought this would be a simple task. How wrong I was. After much deliberation, and having milked my very scarce contacts, we narrowed our choices down to a shortlist of six. Surely, I thought, they wouldn’t be able to resist my charms. They would be like putty in my hands. But when we began to contact the prospective speakers, many informed me that they planned to contract a fatal illness in the near future and would be unavailable on our chosen dates. Other prospective speakers, upon learning who else we were planning to invite, flatly refused to speak if particular individuals were invited. Don’t ask me why, but I was beginning to get the impression that the gods were against us.

So in the words of the Godfather,

I had to make my targets an offer they couldn’t refuse. I had no choice but to employ an approach that has never failed me in any facet of life. Basically, it consists of begging, and then being prepared to do absolutely anything to get your way. Needless to say, we got our speakers, although I won’t disclose my precise methods, on the grounds that I may incriminate myself.

Our coup de grace was in arranging for Professor Paul Mullen, the pre-eminent forensic psychiatrist in Australia, to speak at the event. Unfortunately, he was only available on a Monday evening. Monday, when the world recovers from its collective hangover from the weekend. Monday, the most unpalatable night of the week. Well, at least we had him booked, and now he couldn’t escape our clammy clutches. Or so his secretary assured us.

Next, we needed to decide where to hold the event. Mistakenly thinking that it might give the event an air of credibility, we decided to hold it at Monash. Plus, we reasoned, at least it would be cheap. After all, the Legal Service IS part of the Law Faculty, isn’t it? (some would debate that point) So imagine our shock at being informed that the most reasonably priced venue at Monash was the South 1 Lecture Theatre at a bargain rate of only \$250 for 4 hours. Yes, that WAS the staff rate. So we faced a dilemma at

this point - how were we going to come up with that kind of cash? After racking my brain for minutes on end trying to think of a money-making scheme that didn’t involve anything illegal or anything that would result in the loss of my legal practising certificate (which I am yet to gain), it hit me. I could make money from one of my great passions in life. No, not mud-wrestling, CHOCOLATE! The group could sell fundraising chocolate. 4 months later, I’m still staring at 33 cartons of chocolate cluttering up my office, their sticky sweetness calling me. I think we actually ate more than we sold. And I have since become an object of hate among every person with weight issues working at the Legal Service. Well, it seemed like a good idea at the time.

So now we had the speakers, we had a venue, and we certainly had indigestion from eating too much chocolate. All that was left was promoting the event. Ahhh, the beauty of technology. Many of the CD students by now would have heard me utter that famous catchcry: “I’m big on emails.” And yes, I am. One mammoth group email later and word of the event was spreading like wildfire among 250 community workers, frothing at the prospect of free food. Next came the cheesy newspaper articles with photos of me pointing to something on a computer screen while one student pretended to listen to me as he pretended to touch type,

“Driven to Despair”: The making of the ‘Mental Illness in Today’s Society’ Forum: *continued*

and the other students pretended to huddle around me while pretending to hang on each word I uttered.

Yet they couldn’t disguise the awe plastered all over their happy little faces and beady little eyes. Perhaps they were marvelling at my ability to stay sober while drinking copious amounts of alcohol, or at my ability to consume ridiculously unhealthy amounts of food.

A week prior to the event, it seemed that nothing remained for us to do. What could possibly go wrong? That day, I phoned Professor Louis Waller to enquire whether he would be attending the event. “Unfortunately not,” he drawled, eloquently, “I’m leaving the country that day.” At my obvious devastation, he quipped “its amazing what people will do to get out of attending your forum.” Oh, how prophetic those words would turn out to be. Perhaps Professor Mullen decided to leave the country with Professor Waller, for that very day, we were informed by his secretary that he would be unable to speak at the event. Apparently, Professor Mullen’s secretary had double-booked him.

All wearing our very best t-shirts, the group gathered together on the afternoon of the forum to set up the venue. Our smiles couldn’t disguise the underlying tension floating between us. There was a good chance that our greatest fear, that the event would be a total failure, was about to be horribly confirmed, and all we could do was hope for the best. Half an hour prior to the presentation, our hopes were raised by the sight of a substantial crowd milling around the biscuits. We couldn’t be sure whether they were there for the presentation or were merely passing by and noticed the free food, although

in our nervous states, it wasn’t hard to convince ourselves of the former.

As the time approached for the presentation to start, the crowd settled itself in the lecture theatre, and I attempted calm my nerves by smoking, under the pretense of waiting for any latecomers to turn up. One quick cigarette turned into three long ones as I contemplated how many I would have to smoke before I passed out. Since I didn’t appear to have the requisite number of cigarettes to achieve this feat, I decided to get the presentation started. Otherwise everyone would think that I’d absconded, which in all honesty, had crossed my mind on several occasions.

With a false bravado I swaggered into the theatre and took my place at the lectern, secretly telling myself that this was just like the Logies (without the drunk people and bad fashion), and that I was Don Lane. I desperately tried to put on a brave face, although I’m sure it came across more like a grimace. As I welcomed the audience and introduced the speakers, I noticed just how weak and pathetic my voice sounded. Somewhere in the back of my mind I foresaw my imminent capitulation right here in front of all these people. Spotting my boss in the crowd, resplendent in a teal shirt that screamed “LOOK AT ME” far too loudly to be tasteful, I wondered why he had chosen this of all days to abandon his normal apathy. I cursed his newfound social conscience. Well, it was too late now. He would finally work out just how bereft of talent I really am. They all would.

As I handed over to our first speaker, Ashley Halphen, I remember thinking that I’d done all that I could, and that

it was out of my hands now. Ashley began his presentation by recounting his privileged upbringing, a topic which did little to assuage my nerves. But then, something completely unexpected happened. Gathering himself for a moment Ashley launched into a detailed recollection of his most personal experiences of his almost decade-long battle with mental illness. Every person in the theatre, myself included, sat there in wonderment, mouths agape, as he bared his soul to the assembled masses. At this point, I knew everything would be alright. Even Ross was transfixed. I could see the perplexed look on his face as he grappled with the immensity of what he was hearing. The rest of the night was a blur, and although the other speakers were also exceptional, that one speech went a long way to guaranteeing the success of the event. More than that, it was one of those defining moments that I have no doubt will stick in the minds of many of us who were fortunate enough to be present that night.

Now I sit here, a week after the event, a bare shell of a man. From now on I’ve resolved, I’ll make the students do all the work and shirk all responsibility. However, just like all New Year’s resolutions, I know that inevitably, this is an oath I will fail to keep. What can I say except that I’m a glutton for punishment.

The Corrections CD Group: July 2002 - June 2003

Bronwyn Naylor
Faculty of Law

This CD group works on long and short-term projects around prisons and prisoners.

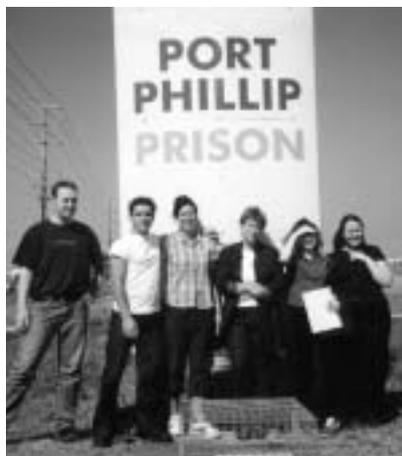
It continues to attract enthusiastic students who work with great dedication on the group projects. The focus of this CD group is on enhancing prisoners' access to information and advice, as a way of supporting prisoners' human rights. I established the group late in 2000 and I have convened the group with the assistance of Jonathan Clough. Jonathan convened the group during first semester 2003.

The group meets weekly or fortnightly; at times the students work independently in pairs or groups and then get back together to present drafts or discuss ideas. Our major project this year has been developing a training session on preparing for court for remand prisoners at Port Phillip Prison. Port Phillip has a population of around 650-700 prisoners. About three-quarters of these men are on remand waiting for their trial.

The project arose from meetings with the programs manager at Port Phillip Prison to discuss possible needs at the prison for provision of information to prisoners, and from the observation that as remand prisoners await trial they can be very concerned about the legal process

and about what they will be required – and able – to do at the hearing of the case. It is of course more difficult for a prisoner to prepare for a trial on remand than it is when a person is on bail. The aim of the 'court readiness' program, then, was to assist remand prisoners in understanding and participating in the court system in preparation for their trial.

The focus of this CD group is on enhancing prisoners' access to information and advice, as a way of supporting prisoners' human rights.



CD Group, Summer 2002

We began work on this project earlier in 2002 and each semester's CD group developed it, researching relevant areas, preparing teaching materials and compiling a manual to be handed out at the training session. The program is presented over one afternoon. It covers such issues as the Victorian court hierarchy, layout of the courts, preparing for the court hearing and working with a lawyer, basic court rules and rules of evidence, choices the prisoner may have to make during the trial, and behaviour and expectations of the prisoner whilst in court.

The CD students presented a pilot session in October 2002 to a group of sentenced and remand prisoners, prison management and Victoria Legal Aid lawyers, who provided interested and constructive feedback. The students revised and took the finalised material to this pilot/reference group at the prison in November, in a presentation including overheads, videos and printed materials. It was great to get clear and helpful advice on where our early drafts got it right and where they needed adjusting in the light of prison realities and practices, and of the issues of most concern to prisoners.

In February 2003 the 'summer semester' CD group presented the program in full to a group of remand

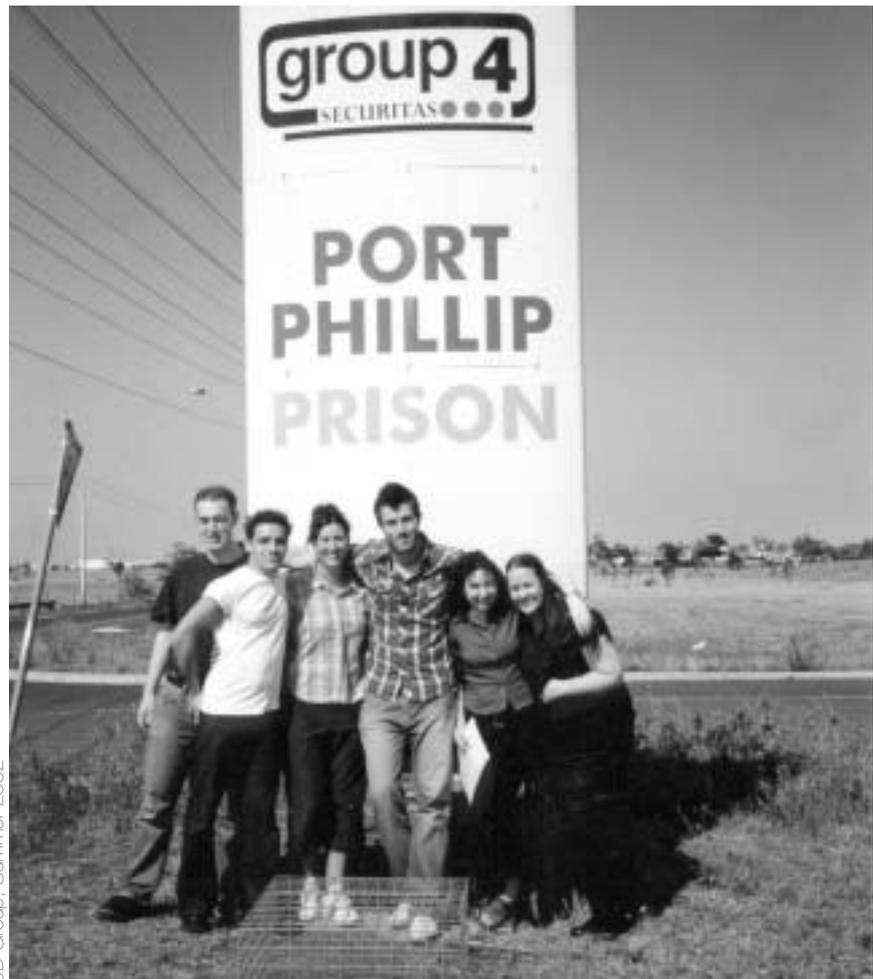
The Corrections CD Group: July 2002-June 2003: *continued*

prisoners from the youth unit. The program was then slightly reworked, to take account of feedback, for presentation by the first semester students in May 2003 to another group from the youth unit. Another session is planned for July 2003, and we hope to continue to present it regularly at Port Phillip Prison. The group is currently also considering other innovative ways to present the material on behaviour and expectations in the courtroom during the sessions.

The prison project has taken up most of each CD group's time this year, but we have also continued helping to provide law books in prisons. Each year group members have obtained and sent out copies of the Law Handbook, donated by Fitzroy Legal Service, for distribution to all 13 Victorian prisons.

The group was also successful in a proposal to the editors and publishers of the Lawyers' Practice Manual to provide this practical guide to three prisons on a trial basis to determine usefulness. The LPM is now in the libraries of Port Phillip, Dame Phyllis Frost and Fulham Prisons, being maintained (and, we understand, updated) with the assistance of inmates – and being widely used.

All members of the CD group work extremely hard, with great commitment, on these projects. The court readiness program has involved considerable time and has sometimes provided real challenges for the students. It has been very exciting to work with and provide useful assistance to the men on remand at Port Phillip Prison this year: it has also been exciting to see the many ways in which the students have both gained from, and contributed, to the project.



CD Group, Summer 2002

Springvale Monash Legal Service: A Clinician's View

Matt Baker-Johnston
Professional Practice Student

What do you get if you take 20 or 30 students, a rag-tag bunch of lawyers and support staff, a plethora of legal issues, people from over 200 ethnic backgrounds, schizophrenia, marital breakdown, crime and a modest office in the heart of Springvale? Well, one could be forgiven for thinking you've got the requirements to start a new police station or psychiatric ward, but alas, no – you've actually got the rudiments for the Springvale Monash Legal Service (SMLS)!

From humble beginnings (even before Ross Hyams (the director) took over the running of things), SMLS has evolved into a thriving community legal centre that reflects all the colour and commotion of its many and varied clients. Students from Monash University, plus an assortment of other volunteers, get the opportunity to work with real clients who have real legal issues. While some clients have problems that are complicated and have significant consequences for their lives, other clients (many of which are from non-English speaking backgrounds) are just in need of good plain advice relating to basic procedure and process.

Clinical legal education – like clinical medical education – is founded on the notion that students learn best when 'doing'. And 'doing' is what we

do best at Springvale. Like all good interns, students undertake preliminary diagnosis (the interview stage) to assess how we might be able to help our patients (or clients). This is followed by a consultation stage with our supervising doctor (the conference stage with our legal supervisor) and then the giving of advice (the advice stage) and medication (if necessary). Then, depending upon the type of condition, we either take them on as new patients (the 'on-going' client) or suggest they go home, take a Becs, and have a good lie down (the 'advice-only' client).

Like any malady that affects the human body, medication is sometimes necessary. Often this takes the form of firm and unambiguous advice, which frequently leaves the patient feeling uncomfortable and in need of an aspirin (however, for legal reasons we generally can't dispense these). At other times, more invasive action is required when the condition is considered malignant. One client may need to be admitted for routine surgery (in the Magistrates' Court), while others will need referral to specialists (consult with barrister) and then on-referral to major surgical wards (like the County and Supreme Courts).

It is also true to say, clients who go

for surgery submit themselves to significant risks. Clinical surgery is a dangerous business. This may occur, for instance, in cases of triple by-pass (multiple homicide), radical penile amputations (various sexual offences) or cancers (drug offences). Persons who submit to such surgery often never return to tell the tale because they either seek alternate treatment (via another practitioner on appeal) or end up spending the rest of their lives in the mortuary (the jail or the 'big-house'). Such outcomes are, thankfully, quite rare.

However, the life of a legal clinician (or an underpaid community legal centre volunteer) does have its own rewards. One gets invaluable experience, the opportunity to witness some very tricky operations (custodial sentencing is such a messy business), and the chance to meet some truly lovely people.

Clinical legal education – with all of its dramas and delights – is a really wonderful experience!

Slade Maketh Slade

Nick Button
Professional Practice Student

From two points of view, the Student Appearance Program remains a significant part of the Professional Practice subject.

Firstly, clients of the Legal Service who are pleading guilty to criminal charges, or people who are seeking a divorce or other simple applications in the Family Court are provided with quality representation. Even better, the representation is free, which is a godsend for many clients who don't 'quite' meet the criteria for Legal Aid.

Secondly, the arguably wonderful service provided to the clients is mutually beneficial to the students who are provided with the opportunity to 'strut their stuff' in a 'real' court environment. Normally, such experiences are not available to law students until after they have graduated, and in many cases, it won't be until they're first or second year solicitors.

Over the first semester, I completed four student appearances, two more than the required amount, because I found the benefit of doing them enormous. The student appearance program does not merely provide students with a familiarity with court procedure and immersion in legal culture. Indeed, the appearances also give students an insight into the value of preparation, both in terms of

The appearances also give students an insight into the value of preparation, both in terms of researching the appropriate law, and by understanding what it means to take proper instructions from clients.

researching the appropriate law, and by understanding what it means to take proper instructions from clients.

The nature of my appearances indicate the diverse aspects of criminal and family law that students have the opportunity to participate in and included: a petty theft in the children's court, possession of a prohibited weapon, careless driving, and a divorce in the Family Court where I sought dispensation of service.

It is no accident, in my view, that Professional Practice students have over the years, consistently obtained 'good results' for their clients. Nearly all students worked hard on their preparation and to me anyway, seemed zealously committed to achieving positive outcomes.

While preparation is absolutely critical, nothing could prepare me for my first student appearance and my 'run in' with a particular Magistrate who (I am informed) I am not allowed to name because of the possibility of defamation! It was, to say the least, a sobering lesson in court

etiquette. This incident, which led to my 'winning' the Slade Trophy at the end of the semester, was arguably an unconventional first student appearance. For the uninitiated, this "Trophy" is given out to a student each semester that "performs an act or omission above and beyond the call of duty". It is not an honour one necessarily wants on one's curriculum vitae!

This particular Magistrate, was about to sentence somebody when I walked into the court with my client. Through the Diversion Coordinator, I'd hastily organised a solicitor to supervise my appearance. Unfortunately I was introduced to my supervisor whilst the Magistrate was sentencing. After a few words of introduction from my recently found supervisor, I managed to pass the assessment slip to him, just as the Magistrate was about to finish. To my horror, I looked up and he was pointing directly at me, bearing a ferocious expression: 'IF YOU EVER TALK WHILE I'M IN THE MIDDLE OF SENTENCING SOMEONE AGAIN, I'LL HAVE YOU HAND CUFFED AND PUT IN THE CELLS!'

Slade Maketh Slade: continued

While the program is demanding on a student's commitment and time, it is also nurturing because of the group camaraderie that exists among students.

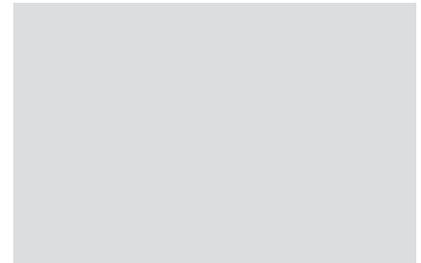
Suddenly, I was the centre of attention. Collectively admonished, my supervisor and I sat there red with embarrassment. As it turned out, my supervisor was a former winner of the Slade Trophy, ironically, as this encounter with the Magistrate led me to win it as well: Slade to Slade. My horror was deepened when the clerk immediately called out my name; the moment of my first plea had arrived. With great temerity, (well - in the circumstances I'd like to think so) I walked up to the bar table to commence my plea.

Fortunately it ended well. The Magistrate didn't let his contempt for me get in the way of making the correct decision for my client. I was given leave straight away, and a non-conviction order was recorded.

Such experiences expose a hidden benefit of the whole Professional Practice Program, namely that while the program is demanding on a student's commitment and time, it is also nurturing because of the group camaraderie that exists among students. When someone arrived at the Springvale-Monash Center in a suit, it invariably meant that they were coming back from an appearance in court. At such times, the office would stop momentarily and people would ask the person who'd done the appearance how it all went, before a cluster of people would swap notes on their appearances, or describe their

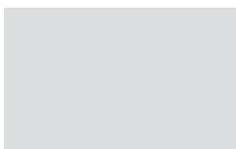
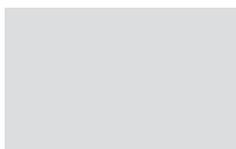
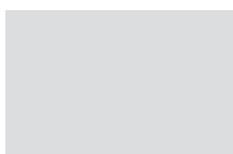
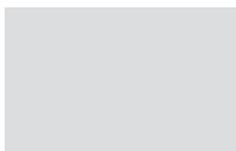
concern about the plea that they had to give the next week, etc.

In short, the Student Appearance Program, and Professional Practice for that matter, was an experience that I'll never forget. I've no doubt that my fellow students also found it mutually beneficial.



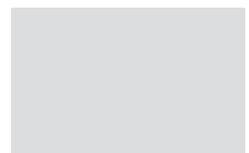
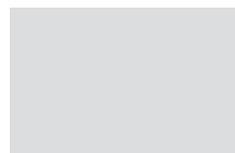
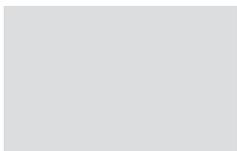
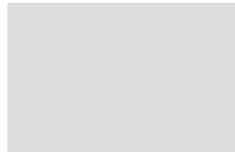
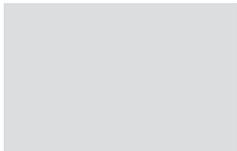
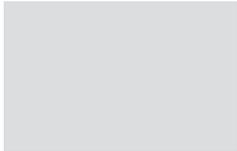
Nick Button at Slade Night

SMLS Photos of Staff



1. Professional Practice Supervisor, Alan Ray 2. SMLS Director Ross Hyams 3. Receptionist / Administrative Officer, Lucy Shepherd 4. Administrative Officer, Susan Ball 5. Finance and Administration Manager, Judy Taylor 6. Volunteer Program Coordinator, Jodie Henson 7. Child Support Worker, Mary Rahilly

SMLS Photos of Staff



1. Legal Practice Manager, Vanessa Sweeney 2. Community Development Worker Stratos Hatziefstratiou 3. Administrative Officer Christina Klemis
4. Administrative Officer, Angela Apostolou 5. Administrative Officer / Network Administrator, Lorraine Brooks 6. Professional Practice Supervisor, Gail Bowden
7. Supervisor: SMLS/SECASA Joint Clinic, Meghan Butterfield

SMLS Thank You Letters and Recognition

Dear Caroline

I wish to thank you very much for all the efforts and hard work you have put into my case. You were absolutely brilliant considering it was your first case.

You had courage and authority when you challenged the Magistrate about the options available regarding the fines. He even smiled.

Please pass on my thanks to Narelle Neagle as she has been very good and indeed very helpful.

I wish you all the very best in your future career and I know you will be very successful. Thanks again.

Dear Penina

20/5/03 AM

From the bottom of my heart,
thank you and your supervisor,
and other crew members in SCAB.
God bless the organisation

Dear Sue-Ann,

I would like to take this opportunity to thank you for all your help, not only for the strong and assertive letter, but also for the encouragement you gave me through out. I would also like to say thanks to your supervisor for the advice provided.

I wish you all the success in your study and your future career.

ANDREW THANK YOU SO MUCH
FOR ALL YOUR HELP AND SUPPORT
WITH OUT YOUR IMPACT I DON'T
THINK I WOULD BE WHERE I
AM. GOOD LUCK WITH YOUR
SCHOOLING AND ONCE AGAIN
THANKS. TAKE CARE ALL THE
BEST.

To Mr Stephen Parker at Law
I recently received a brief
from NATALIE ATTWOOD at Springside Legal
Group. It was one of the best
briefs I have ever had and I
duly commended her on this. It was
very intelligently put together and
certainly suggests well for her future

34/5/03
NICK
RECL-EC
-5.20.03

SMLS Thank You Letters and Recognition: *continued*



Dear Ms Stoilkovska,

On behalf of the National Children's and Youth Law Centre I would like to congratulate you on being nominated for this year's Children's Lawyer Awards.

The Children's Lawyer endeavour to recognise both the commitment over the years to quality representation and advocacy of children, as well as outstanding instances of representation and advocacy. This year we received a large number of extremely high quality nominations - each nominee would be a worthy winner. Indeed, it is extremely encouraging to see the high quality of specialist legal representation available to children and young people around Australia, as evidenced by the quality of our nominations this year.

SMLS in the Press

COMMUNITY



In the new world, students can obtain the best education from the best legal education elsewhere at Springdale through the Internet. Photo: Melissa Gillies

Street-level law

A hands-on experience of the law has been broadening the education of legal students at Monash University for the past three decades. **RODM ANNS** reports.

The law student who sees in the clerk's coat a sign for his neighbor to be disappointed down their driveway and built a higher one. The man would say the two firms, because it will cut out middle and ask how money to discount. Then he has come to ask why from the consumer legal center for the Monash University.

This excellent experience, offered to undergraduate law students by the Springdale Monash Legal Service and the Monash-Calgary Legal Service, offers

to law students a hands-on experience of the law through the Internet. The service is a not-for-profit organization that has been operating since 1973. It is a hands-on experience of the law through the Internet.

"Working here has given me a real understanding of the application of the law in a real world setting," says one of the students.

The service is a not-for-profit organization that has been operating since 1973. It is a hands-on experience of the law through the Internet.

something, the concept of a advice and business meeting students. These students are, however, more concerned about highly regarded advice to the Law Society.

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The Monash Legal Service expanded and moved to the James Street College building at the end of the century. In 1993, the service moved to its current location in the new James Street building. It has been operating in the new building since 1993. It is a hands-on experience of the law through the Internet.

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community service center to offer to their clients a hands-on experience of the law through the Internet. Photo: Melissa Gillies

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Roundup

Catching war crimes perpetrators

Academy from Monash University's Law Faculty was part of an expert legal team that produced evidence to improve the evidence skills of prosecutors from the International War Crimes Tribunal in The Hague earlier this year.

The team was led by The Honorable Justice James Ruppel QC and included Associate Professor Elzbieta Hanzel QC, along with English barristers Mr James Ruppel QC and Mr Jeffrey Lee QC.

Their focus was on providing evidence to prosecutors from the International War Crimes Tribunal in The Hague earlier this year.

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SMLS in the Press: continued

Fotini Kypraios

Bachelor of Arts/Bachelor of Laws

I undertook an arts degree at Monash University in 1983 and commenced my law degree in 1985. Since and high school I knew I wanted to become a lawyer, having developed a keen interest in legal issues and a career that science was not my strong point!

Whilst an undergraduate, I did work experience in a couple of small law firms and was exposed to community legal work through my involvement with the Phoenix Community Legal Centre and at the Justice/Civil Welfare Centre in St Albans, which I am still involved with.

On commencing my articles in February of 1989, I was thrown into the deep end, handling complex commercial litigation and family law, as well as the usual mix of motor vehicle accidents, wills and other civil matters (usually handled by an articled clerk). I commenced articles in February 1989 and was admitted to practice in April 1990.

The opportunity to move out of articled clerk work came in early 2001 when the former supervisor from the Monash Law Faculty contacted me to offer me the position of legal practice manager at Springvale Monash Legal Service.

The decision to move out of traditional general practice was a difficult one. I had been fortunate enough to be given the opportunity by the withdrawal of articled clerkship stipend work, which prevented me by exploring the non-traditional position for commercial litigation.

However, being an articled clerk as well as a legal fee of the professional practice subject offered by Monash, the opportunity to practice offered challenged my intellect. I had about making the move. I was excited by the prospect of working alongside a number of firms, of heading at various levels out of managing the legal clinic-based clinical legal education/community legal service in the country.



"Since high school... I wanted to become a lawyer"

Many fourth and previous Monash law students undertake the professional practice subject over three semesters. The students interview clients, take legal case notes, advise the clients (after consultation with their supervisor) and conduct follow-up work, which includes writing letters, drafting documents, entering into negotiations with other parties, applying for legal aid, writing pleadings and conducting legal research.

I do one of three rotations in the service responsible for advising students throughout the articled process. I supervise law student practice as well, in addition to supervising all. Allow my work in relation to each rotation. This is an area involved in conducting business and contracts in the law clinic. Teaching has proved a challenge and has presented opportunities for personal development in ways I would not otherwise have had.

The best opportunity was looking at studying an clinical legal education at the National Conference of Community Legal Centres in Perth.

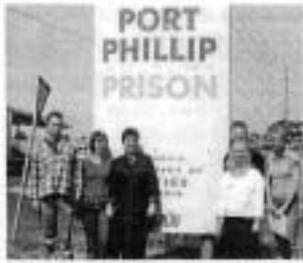
Working in a community legal service has meant I come into contact with an array of different client bases. The clients are from low-income backgrounds and quite often do not speak English. Sometimes, and taking instructions usually take place with the assistance of a language interpreter. The problems encountered by our clients range from serious criminal matters to various family law issues and other matters. Providing legal assistance in these circumstances is both rewarding and extremely demanding, as you can see in real terms that what you've learned as an undergraduate can empower and assist those who need it most.

Following legal practice management at SMLC has allowed me to provide and assist I would otherwise not have the opportunity to participate in. For example, I have become a member of the coordinating committee of the Institute of Community Legal Centres of Victoria and have participated in debates about the program and allocation of state government funding for Victorian community legal centres.

Studying law at Monash University – especially the time as a professional practice and articled clerk and articled student – equipped me with relevant knowledge and practical experience. This emphasis not only on the letter of the law but also on the application of practical legal skills enabled me to embrace complex litigation at a very early stage. In my career and since my days at law I feel more empowered handling them as an undergraduate.

Springvale Monash legal service is so far away from the faculty and/or commercial litigation as you can get. Conducting this opportunity has enabled me to provide a service and personally make a difference to those in our community who find themselves in desperate situations and have few resources to assist themselves. Never again!

MONASH UNIVERSITY | TORREY HALL | 246 CLYDE STREET | 3145



Law students with Dr Bronwyn Naylor (third from left) outside Port Phillip Prison in Melbourne.

Inmates get 'court ready' with students' help

Law
A Monash University law lecturer and a group of law students have established a prison outreach program that helps inmate prisoners prepare for their courtrooms appearance.

Dr Bronwyn Naylor and the undergraduate devised the Court Readiness program, with the help of Monash senior lecturers Mr Ross Hyman and Mr Jonathan Cough, to address the difficulties prisoners face in studying themselves for court appearances.

"If you are an individual you can get answers to questions by asking your lawyer. If you are an inmate, you might have questions and problems,

but you have to wait for a visit or phone call to get answers. This situation can make preparation for a court appearance quite difficult," Dr Naylor said.

"It is recognised that inmates show increasing levels of anxiety as their trial date approaches – and that's understandable. When you are in jail, you are 'processes' through the system, from arrest to removal to court and, possibly to sentencing. Our program gives people in jail the feeling they have some input into the process."

The Monash Court Readiness program at Port Phillip Prison assists the inmate prisoners, who make up about 75 per cent of that prison's population.

In two pilot programs in February and May this year, a group of six final-year Monash law students conducted education sessions for prisoners awaiting trial. The work formed part of the professional practice suite of their degree.

Dr Naylor said the program was a good example of outreach work, with aspects of community contribution that also gave students face-to-face experience.

- **Robyn Arns**

Contact:
bronwyn.naylor@law.monash.edu.au
Ph: +61 3 9905 3319

SMLS at Night: The Volunteer Team

Jodie Henson
Volunteer Coordinator

After volunteering at Springvale Monash Legal Service for four years I had decided that it was time to move on and try a new challenge. I had investigated other volunteering opportunities and decided on a couple of possibilities. On my last evening as a volunteer, my predecessor, Ruth Nwankwo informed me she was leaving the Legal Service. I was presented with my new challenge! I applied for the role as Volunteer Program Co-ordinator and was successful. After a short handover I was on my own to co-ordinate the volunteers.

The volunteer program has been running smoothly since my commencement. I have the volunteers to thank for that, due to their commitment and dedication. I have welcomed many new faces to the volunteer program and met many long time supporters of the Legal Service and its volunteer program. With only a few hiccups on the way (like the night when only one volunteer turned up), my role has been uncomplicated.

Our current volunteers range in ages and experiences. From our third year law students on reception to the senior solicitors or barristers, there is a huge array of life experiences, cultural backgrounds and knowledge to impart on our lucky clients. The

diversity is displayed by listing some of the professional backgrounds of our volunteers, which include a pharmacist, an accountant, a tax officer, a management consultant and a state volleyball champ! We mustn't forget our law students, articulated clerks, Leo's or Monash PDLP students and our solicitors and barristers.

The situation in the legal market is also making my job relatively easy. Since I have started in the role there has always been a large waiting list meaning that replacing volunteers is effortless. With the reduction in articulated Clerkship opportunities over the past year, law students are eager to gain experience in a practical environment. In the past, this has not always been the case and in some years there has been a continual struggle to maintain adequate volunteer numbers. Fortunately for the Legal Service and our clients, students are jumping at the chance to do their bit for the local community. Many of our current volunteers are also Prof Prac students and I encourage all Prof Prac students to give a bit back to the Legal Service when they complete the subject. It looks great on the CV too!

Overall I have had a fantastic experience as the Volunteer Program Co-ordinator. I have met a wide range

of remarkable people, have enjoyed the new challenges presented with the role and learnt a whole lot more about the Legal Service and the local community. It looks like SMLS have me in their clutches for a bit longer. The other volunteer opportunities will have to wait...



Karen Mathias, Warwick Heine, Paul Francis, Ross Hyams



Web Launch: Warwick Heine, Greater Dandenong CEO

IT Report: Computer Technology & Website Report

Lorraine Brooks
Administrative Officer / Network Administrator

Why hullo there all you avid readers of the SMLS Annual Report! Let me introduce myself My name is Lorraine Brooks and I am privileged to be a part of the SMLS family for the last twelve months. After coming from a corporate background it certainly is a most refreshing change to be with people who like to have fun, laugh, be flippant and frivolous, but at the same time be prepared to work tirelessly for the community.

IT

My role here is extremely diverse. I look after and nurture all the computer equipment and other electronic devices that we have on hand. I happily impart my knowledge to SMLS members and students on various software and hardware issues and features, and when needed, show staff how to operate smarter not harder.

At times my role is to step into David Bailey's shoes (renowned photographer) and capture precious moments using the digital camera or at other times I am running around with a screw driver, usually crawling around on the floor, fixing a faulty computer. For those of you who may or may not be aware of the acronym used for computers, they are all referred to as "FRED's". The meaning being ridiculous electronic

device, which is why the nurturing is so important!

www.smls.com.au

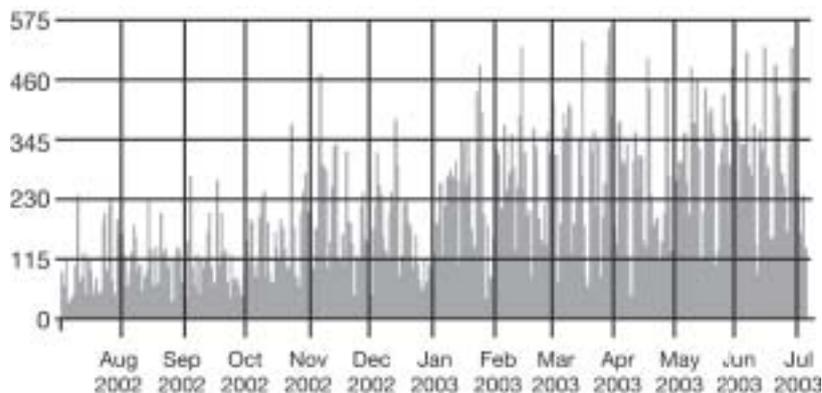
The SMLS Website, since activated, has proven to provide a huge source of information for our clients and has been extremely successful. We are presently receiving well over 1000 visitors per month. Attached is a graph that reflects the activity that the website is receiving.

This graph contains information for the previous twelve months and outlines the number of monthly visitors the Website receives.

CLIX to soon become CLSIS

Later this year SMLS is to embark on a new client database system aptly named CLSIS, which is to replace CLIX.

CLSIS is presently in the throws of being piloted at various other legal centres around Australia. We are hopeful that all the bugs will be ironed out and removed prior to it being installed at SMLS. According to Canberra, CLSIS is designed to provide better reporting and enable a more complex statistical breakdown of client usage for Canberra's requirements.



This graph contains information for the previous twelve months and outlines the number of monthly visitors the Website receives.

A Day in the Life...

Alan Ray
Supervisor of Monday Evenings and
Wednesday Morning Sessions

Monday night at the Legal Service begins with a shared meal of local Vietnamese cuisine and a sharing of the week's events. The students and I look forward to catching up with each other's news and discussing the state of the world before the onslaught begins at 7.00 p.m.

The weather and phases of the moon are important: if wet, there will be fewer clients; if a full moon, there will be more "nutters". Each session brings forth some interesting cases. The usual diet is, of course, family law matters and the usual spate of car accidents and minor crime. Occasionally there is the exotic problem that provides intellectual stimulation and a rush to the books or the Internet to look up the answer.

This semester, one student coached a client and prepared an affidavit on her behalf, so that she was able to appear before a Supreme Court Judge in the Practice Court to obtain an urgent, interim ex parte injunction restraining the Sheriff from selling her house. As the auction was due to take place at 2.30 p.m that day, it was really last minute panic as she appeared in Court only 15 minutes before the auction time. Talk about a story line for "The Practice"! Viewers may think these things only happen in America, with

lawyers in beautiful designer clothes swanning around the Courts before engaging in their exotic private lives!!

There were some memorable moments for this supervisor. Some "Eureka" exclamations that illustrate the necessity of these clinical courses. After a discussion about equitable interests in matrimonial property and how they should be protected, I said to the student that we should lodge a caveat. She agreed. I told her to go to the last pigeonhole in the rack and get a caveat form so we could fill it in. She exclaimed: "A caveat is a piece of paper??!!" Some things are just not taught at Law School.

Another student was absolutely shocked to discover that her client's version of events was markedly different to the Police version when she read the Police brief. "But he told me lies!", she was heard to say over and over again.

The highlight for students still remains the Court appearances either at the Magistrates' Court or Family Court. How grown up they look in their suits and ties, and how important they sound telling the others about their experiences before the Bench. No doubt the exploits of their day in Court sound more important at each telling. A day in the life of this Legal Service is never dull and it educates students

in all those aspects which are not part of the curriculum on campus. Students are able to experience the integration of theory and practice, to acquire professional skills in a real life environment, to begin thinking like a lawyer, and to note the successes and failings of the legal system.

We all look forward to being able to provide this experience to continuing generations of lawyers.

The SECASA / SMLS Clinic

Meghan Butterfield
Supervisor: Joint Clinical Legal Service

It has been another successful and enjoyable year for the team at the Joint Clinical Legal Service (JCLS). For those who are unfamiliar with the work of the JCLS, we are a specialist legal service, which runs out of SMLS on Monday nights. We act for victims of sexual assault who have been referred to us by the South Eastern Centre of Sexual Assault (SECASA) in East Bentleigh.

The past twelve months have seen some new students come and go. Second semester of 2002 brought Gabby Hersch, Stratos Hatziefstratiou and Nick Roussos as new Advanced Professional Practice (APP) students. Those of you who are regulars at SMLS would know Stratos who, having completed APP, is now employed at the Legal Service as the Community Development Worker.

At the completion of their APP course, Stratos and Gabby continued at the JCLS as volunteers. Gabby's volunteering stint was brief but memorable and Stratos' continues as a volunteer to the present day.

The 2002/2003 summer semester started and so did Zoran Trimcevski's at JCLS as an APP student. Zoran also still remains at the JCLS as a volunteer.

Michelle Gage and Tamara Hamilton-

Noy commenced APP first semester 2003 and (at the time of writing) are yet to complete the course. They are both excellent APP students and hopefully, will follow with the increasingly popular trend of staying on at the Legal Service as volunteers long after they have completed the APP course. Both have already seen some fragile clients and have handled difficult situations with sensitivity, compassion and competence. They have been and, hopefully, will continue to be valuable contributors to the service.

In addition, we still have a terrific group of volunteers who continue to give up their Monday nights (and several hours during the week) to assist victims of sexual assault. The current volunteers are Victoria Campbell, Maria Kourtis, Symon Kohut, Stratos Hatziefstratiou and Zoran Trimcevski. This is a sensational group of motivated, considerate and competent people

In the past twelve months, the service has maintained its "strike rate" of 100 percent, with no unsuccessful applications being run before the Tribunal.

who are to be commended for their dedication to the JCLS and the work it undertakes. Special thanks have to go to Victoria Campbell and Maria Kourtis who have been volunteering at the service for quite a few years now!

At present the service has approximately 35-40 clients. The vast majority of the cases on our books involve Victims of Crime Assistance Tribunal (VOCAT) applications for victims of sexual assaults in Victoria. These applications are lodged on behalf of "primary victims" (that is, a person who has personally been sexually assaulted) or "secondary victims" who are usually parents of children who have been sexually assaulted. In the past twelve months, the service has maintained its "strike rate" of 100 percent, with no unsuccessful applications being run before the Tribunal.

We have continued to obtain some outstanding awards of compensation under section 8(3) of the Victims of Crime Assistance Act. Basically, section 8(3) gives the Tribunal broad power to awards compensation for "other expenses which assist a victim in his/her recovery from the crime" We are finding innovative ways to use this section and, with the assistance and support of the counsellors at SECASA, have obtained generous

The SECASA / SMLS Clinic: continued

The volunteers who have been at the service for a number of years have developed a terrific working knowledge of the relevant legislation and invaluable skills for handling vulnerable, damaged and sometimes difficult clients. These skills benefit our clients enormously and give our workers a solid grounding to become well-rounded, socially conscious private practitioners.

awards which have helped to get our clients back on the road to recovery.

Most of the service's clients are children. Despite the increasing media attention paid to the issue of child sexual assault, we have not seen a decline in the number of victims being referred to the service. Most of our clients are victims of intra-familial abuse, the offenders regularly being the victim's father, stepfather, uncle or grandfather.

All students and volunteers at the service at present are conscientious and hard working. The volunteers who have been at the service for a number of years have developed a terrific working knowledge of the relevant legislation and invaluable skills for handling vulnerable, damaged and sometimes difficult clients. These skills benefit our clients enormously and give our workers a solid grounding to become well-rounded, socially conscious private practitioners.

The JCLS team has recently benefited from attending guest lectures by Nerrida Mitchell and Vivian Waller. Nerrida is a senior counsellor from SECASA who has years of experience counselling victims of sexual assault

and their families. Nerrida regularly attends the service to talk with our workers about the nature of sexual assault, the relevant statistics and the role that SECASA plays in counselling the victims and moreover, attempting to stop the pattern of abuse within our community.

Vivian Waller, consultant lawyer at Maurice Blackburn Cashman, also recently attended the service to talk to the crew about common law claims for victims of sexual assault. Viv has been involved in bringing hundreds of civil cases, particularly against institutional defendants such as the Catholic and Anglican Churches, the Department of Human Services and the Ballarat Orphanage on behalf of victims. She is known as a leading authority on the issue of the Limitation of Actions Act and its implications in claims involving sexual abuse in Victoria. No doubt, the team benefited enormously from Viv sharing her wealth of knowledge in an informal lecture.

Carolyn Worth, our former trusty leader from SECASA, has recently handed the reigns over to Nerrida Mitchell to be the SECASA contact and liaison officer for the JCLS. Nerrida has already embraced

her new role with enthusiasm and diligence and we are looking forward to working more closely with her over the next few years.

In all, we face the next financial year with ongoing enthusiasm and a genuine dedication to the work that we do.

Lawyers Practice Manual

Sue Campbell
Editor

The Lawyers Practice Manual (Vic) is produced by SMLS and used as a prescribed text for Professional Practice students and a vital reference for volunteers. It was first published in 1985 and is updated on average 4 times a year, so it represents an extraordinary achievement by the numerous contributors and commentators. The team of editors which oversees the project constitutes a committee of the SMLS Board and royalties from the publication go to SMLS.

The publisher, Law Book Company, proposed some years ago to produce an electronic version of the Manual and Adrian Evans, an SMLS Committee Member and former Co-ordinator, has worked with LBC staff on the technical aspects of the project. The process of development has taken long enough to see the concept move from being a CD Rom publication to being available directly online.

One of the important features of the online version will be the ability of subscribers to complete forms online and download them for immediate use.

After many delays, LBC has finally produced a form of contract acceptable to the Editorial Committee and the Board approved its signature. We are grateful to Emily Slade for

her advice on earlier version of the proposed contract.

One of the important features of the online version will be the ability of subscribers to complete forms online and download them for immediate use.

There are several advantages to the new version of the Manual. Subscriptions to the paper copy have been gradually declining and we hope that the online version will attract a new market. LBC have agreed to an annual Marketing Plan, costing about \$20,000. The royalty rate under the new contract is also slightly more advantageous to SMLS.

Under the existing arrangements with the paper version, contributors have been entitled to a free copy for as long as they remain contributors. Under the new contract contributors will be able

to choose to receive either the paper version or access to the online version.

Meanwhile the content of the Manual continues to grow. This year we have introduced several new chapters and several more are in the pipeline. The willingness of many lawyers to contribute to the Manual, with a free copy their only reward, is something for which generations of students and young lawyers should be extremely grateful.



Fotini Kypraios, Vanessa Sweeney, Stratos Hatziefstratiou

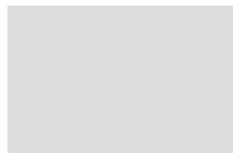
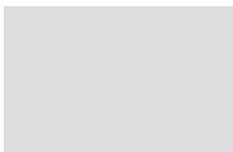
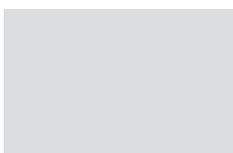
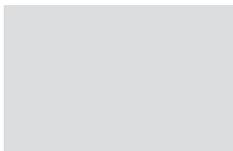
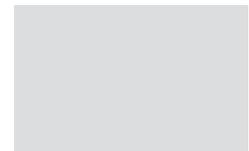
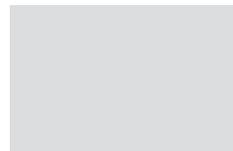
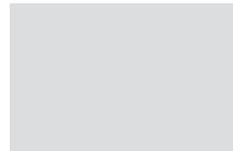


Karen Mathias, Ross Hyams, Fotini Kypraios

SMLS Celebrates its 30th Birthday

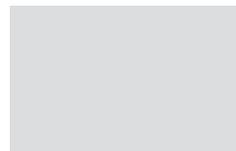
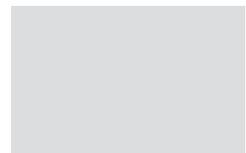
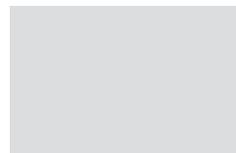
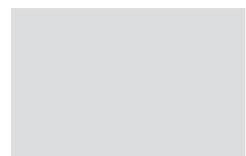
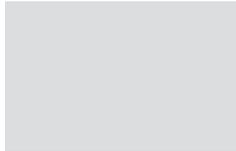
Ross + Judy
Congratulations on
steering SLS to its
30th Birthday (50th 27/4/12)
As they said it wouldn't
last! But wishes
from Lutz
(1978-1988)

1



1. Message from Simon Smith, Inaugural Legal Service Coordinator 2. Fotini Kypraios Sonia Parisi 3. SMLS Staff 4. Sonia Parisi, Fotini Kypraios, Ross Hyams 5. Judy Taylor and Prof Prac Students 6. Prof Prac Student 7. Birthday Cake 8. Gail Bowden, Christina Klemis, Lucy Shepherd 9. SMLS Staff

Birthday Party Photos



1. Ross Hyams, Dani Kovalevic, Sonia Parisi, Lorraine Brooks 2. Karen Mathias, Fotini Kypraios, Gail Bowden 3. Fotini Kypraios, Ross Hyams 4. Sonia Parisi 5. Fotini Kypraios, Ross Hyams 6. Sonia Parisi, Fotini Kypraios

~~Chicago~~ Springvale (And All That Jazz)

Susan Ball
Administrative Assistant

The wind sighs through the topmost branches of the pines; the aroma of barbequed sausages, coupled with a collage of tomatoes, onions and mushrooms wafts on the breeze and another lunchtime commences at SMLS. One must be warned that food plays an important role at this service. After this satisfying and work inducing repast, the staff gather in a small stone amphitheatre in the center of the forest for their staff meeting; where weighty issues are discussed: and thus another day progresses at SMLS. One is reminded of Druids; Stonehenge, but alas, we can only utilize the local park.

This is a difficult article to write, hence the dramatic beginning, and lots of poetic licence. What is left for the administrative section to write about? Not for us to write of the thrust and parry of client relationships, fronting Magistrates, emotive dilemmas of child support issues, nor the tilting at windmills in the Community Development arena but only the minutiae of protocols and procedures of the office. We deal with the steady stream of student files; phone queries; office stationery; Occupational Health and Safety; technical computer problems and a myriad of other tasks and like to think that we contribute to a

We deal with the steady stream of student files; phone queries; office stationery; Occupational Health and Safety; technical computer problems and a myriad of other tasks and like to think that we contribute to a smooth running, harmonious office.

smooth running, harmonious office. However, we are inevitably drawn into every aspect of this exciting place and with everyone working together we are richer for the experience.

Work continues to run smoothly in the administrative department of the service. Computers are presenting with minimal problems under the able assistance of our new technical officer, Lorraine Brooks. Angela Apostolou has recommenced work after absconding on maternity leave and job shares with Maureen Rodwell, both working two days per week each.

To be of flexible mind in this workplace is a necessary quality as we say a fond farewell to Karen Mathias (now living in Canberra), Julie Mason (teaching English in Japan), Sonia Parisi, ex-professional practice student (EPP – Aid to the Governor of Victoria) and Fotini Kypraios (EPP - off exploring the wilds of Europe) but welcome back Val Stoilkovska, who had also been away on maternity leave, and welcome our new Practice Manager, Vanessa Sweeney (EPP – has come to us from the wilds of Victoria i.e. Shepparton): these occasions are coupled with farewell/welcome



Susan Ball, Fotini Kypraios, Judy Taylor



Susan Ball, Judy Taylor

~~Chicago~~ Springvale (And All That Jazz): continued

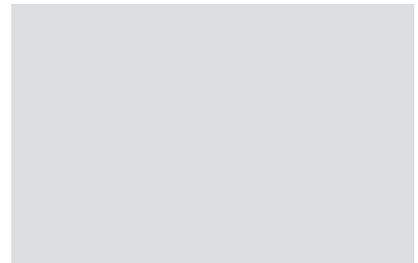
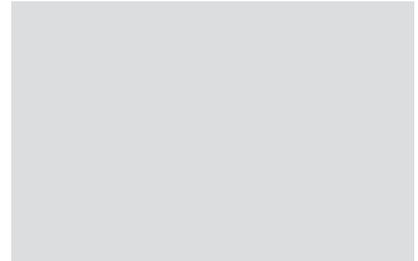
dinners. There seems to be a recurring theme: so many people want to come back to SMLS, whether it be as a staff member or a valued volunteer! Fotini thankfully bombards us with wonderful emails of her adventures throughout Europe: these take the form of graphic essays that cast us in the role of voyeurs and there is simply little need for us to venture forth ourselves.

We are in the process of staff training classes conducted by Monash University of which most staff have taken advantage. There is a wide range of topics; something for everyone; which should enhance our working stratagems.

Thus the lighter side of life continues to be interwoven with the serious provision of care and assistance to the community. Thoughts have been mooted that perhaps we should establish the SMLS Theatre Troupe featuring in SPRINGVALE. When you have people breaking into song you know that notwithstanding the human tragedy dealt with every day that humour and camaraderie must be maintained for the balanced view i.e., staff meetings when someone's view is not being considered and they tactfully emit a rendition of Cellophane Man (walk right by me, see straight through me and don't even know I'm there). Our esteemed and dynamic Director, who as we know is possessed of an excellent tenor voice: on the other side of the coin dramatically announces early in the morning: pop, six, squish, oh oh, Cicero, Lipschitz: demonstrating his amazing memory, suddenly becomes the staff hero to wild

applause. Or our Office manager pronouncing on some miscreant's misdemeanor: he didn't do it, but if he done it, how could you tell me that he was wrong? There is talent aplenty and we're not just talking legal or administrative.

Maybe a Grammy is in the offing?



Susan Ball, Angela Apostolou, Judy Taylor

Of Courts, Costs and Control

Sharona Frid
Litigation Advocate

Flipping through my diary, I realise that the year gone by has been filled with many a bizarre, unexpected case. I've been required to become conversant with all different areas of law. And, happily, we've had some really good results, notwithstanding my perceived lack of expertise!

We recently won a case against a disgruntled ex-husband who was claiming damages for conversion and detainee for loss of memorabilia from his ex-wife. He lost and is now appealing. We will be defending the appeal.

I have settled a double defamation case, in which I acted for the defendant. Of course, I had little experience in defamation, but a few telephone calls and meetings later with friends who are experts in the area, and we drew up a great defence. Ultimately, the case settled with my client only providing an apology.

As usual, there have been many cases of STD (sexually transmitted debt), involving desperate and lonely women loaning money to lovers in the hope of receiving love in return, only to be ripped off in a serious way. I've successfully sued an male escort, promising the earth in favours of all sorts, in exchange for some serious money - and then running off with a trio of women and a "personal growth" workshop mentor

taking over \$45,000.00 and vowing to return it "in kind" - and then, of course, doing nothing of the sort.

I'm currently acting for a horse masseur, who was badly bitten on her face by an aggressive Borzoi, whilst attending her client's premises. She had over 100 stitches and has been left with considerable scarring. We are negotiating with the insurer at present and hope to be able to resolve the matter without going to court.

I'm suing neighbours for tree damage, ex-partners for business deals gone wrong and shonky builders doing defective work.

As always, it's wonderful to have the opportunity to help people out when

they are in a severe crisis, or assist them in getting what they rightfully are entitled to, in cases where they simply could not do so without access to free services such as ours. Even the simplest of car accidents can give me a real thrill. Fighting a large insurer and winning, because we simply deserve to, is a pretty sweet feeling. That's not to say that all these drivers shouldn't probably be insured themselves! But, that's another matter and a fight for another day...



Stratos Hatziefstratiou, Fotini Kypraios, Sonia Parisi, Gail Bowden

A Baptism of Fire!

Victoria Lambropoulos
Barrister and Professional
Practice Supervisor

When I was asked to write this article I looked forward to the prospect of recounting some of the memories I had from my semester as a supervisor at Springvale. I was a student at Monash and I also did Professional Practice in my final year. The subject was by far the most enjoyable and rewarding part of my undergraduate studies. I therefore jumped at the chance to now be a supervisor and go back to Springvale and relive some of those fond memories.

The technology and the layout of the offices had changed but the spirit of the place was still as lively and inspiring as ever.

I had not been back to Springvale for almost 9 years. After working as a solicitor in commercial and property law and then going to the Bar where I have been practicing in the same areas I did not know how I would adjust to the experience of working at Springvale. The technology and the layout of the offices had changed but the spirit of the place was still as lively and inspiring as ever. The first session we took in 10-12 clients that had a plethora of legal and personal problems. The prospect of providing advice on so many different

What a way to end your undergraduate degree and a springboard for your legal career - a baptism of fire at Springvale Monash Legal Service!!

areas of the law was completely daunting. In one session we had a few debt recovery matters and family law disputes. A matter involving drug trafficking and one of shop lifting and a good old neighbourhood fencing dispute and a motor vehicle accident involving an uninsured driver. This is just a normal morning at Springvale.

Many people come to Springvale as their first point of access to the legal system when they find themselves in all sorts of predicaments. We played an essential role in guiding people to access other organisations that were there to help them. Where does one go when your English is limited and you have received a letter of demand regarding non-payment of a mobile phone bill that you claim is wrong and that you did not incur? Often people tried to resolve such disputes but could not due to language difficulties or the organisation just plainly did not listen. We could often resolve them with a simple phone call and a letter written on behalf of the client.

The amazing range of clients brought with them unique legal problems, which were often the source of dark

comic humour in our sessions. The stories were too incredible to be true but they were!!!! Life is always more exciting than fiction. Many mornings I kept on thinking someone was writing the script of a brand new legal hit series. One day you just never know...

The students' passion and development was however the most impressive aspect of my experience at Springvale Legal Service. After almost five years of a law degree they start with little or no practical legal skills. By the end of the semester their excitement regarding the law and more importantly the practice of the law is unmistakable. What a way to end your undergraduate degree and a springboard for your legal career - a baptism of fire at Springvale Monash Legal Service!!

I took so much more from my experience at Springvale than I gave. Yes - I know it sounds clichéd but I am writing it anyway. My abilities as a lawyer and advocate were enriched but most importantly I got to see an aspect of our community that I had forgotten.

From One Machine to Another

David Starvaggi
Supervisor

Monday Night Session Summer 2002-2003

Being asked to supervise a session at Springvale Monash Legal Service came as a great surprise and honour to me. After all, it would be my first time ever in that role. But when reality sunk in, the whole prospect actually seemed quite daunting!

Orientation to the role of supervisor came by way of sitting in on a session with Alan Ray and his existing students. Seeing this “well-oiled” machine in action was confidence boosting in that everything went like clock work; clients proceeded in and out in an orderly fashion, files were opened and closed, and the students went about their work with enthusiasm demonstrating that they were in command.

Of course the following week when changeover took place, and I was to supervise four new (inexperienced) Professional Practice students, a reality check presented itself-how would we cope the following Monday night without the same level of experience as our predecessors?

Like infant children though, we had to crawl before we walked and the sessions became less cause for anxiety and more cause for enjoyment as the weeks and the sessions progressed. The enjoyment stemmed from the sense of achievement that I felt that our

session obtained through assisting people that came in because they were either in need of advice, or they had a problem that they believed we could assist them to overcome.

With a new session comes a mix of diverse experience and personality. Each of the students that came to the Monday night session contributed to the session in a positive and unique way.

However, neither the students nor I had a monopoly on contributing to the session in a unique way; a session would be nothing without clients and the Monday night clients certainly exemplified the term “unique”!

By the end of the summer semester, we had dealt with what seemed to be the norm in the form of divorce applications and clients going to court, and clients that seemed to be down right bizarre! Interestingly though, not all of our clients were human. Late one hot summer’s night, a spider dropped in for some advice, the only problem was that none of the students were willing to take instructions!

Starting a session at 5 p.m. invariably meant that we ate dinner together and we enjoyed the palatable offerings from the local restaurants each week. By the end of the semester we had

certainly experienced an eclectic array of cultural cuisine.

All things being equal, the trepidation that I felt at the start of the semester had well and truly abated by the end of summer semester 2002-2003. With the mix of the Christmas and New Year break, the Monday public holidays, and the short summer semester, time virtually did fly.

As our semester came to a close, a new changeover period commenced with a new group of students coming in for their orientation before commencing solo. As I supervised the last session before handing the reigns back to Alan Ray it became obvious to me that the students and I had become our own “well-oiled” machine!

SMLS Volunteers Report

Bill Grimshaw
Volunteer Worker

If asked, most who volunteer at Springvale Monash Legal Service (“SMLS”) would probably cite as their initial motivation for volunteering either: ambition (to spruce up one’s CV), altruism (to make justice accessible to all), career development (to learn how to divorce people), or some combination of the three. My case is probably no different, but in reflecting upon the last twelve months in preparation for this article it occurred to me that there are several less obvious benefits to be gained from spending every second Tuesday night in the hallowed corridors of SMLS.

One of the main reasons for the existence of community legal services is that people from all walks of life have an unfortunate knack for getting themselves into legal strife. As a volunteer entrusted with the task of attempting to guide countless clients out of their respective predicaments, I like to think that I have developed a kind of vicarious wisdom that belies my sheltered life as recent university graduate. While of course SMLS volunteers must attribute any precocious worldliness as much to their supervisors as to learning from other people’s mistakes, some of the innumerable lessons I have learned from the relative comfort of the interview room include:

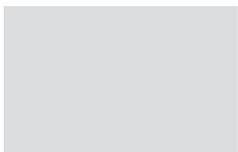
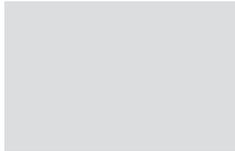
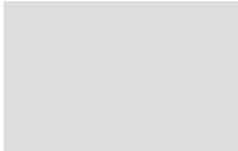
- > Never trust a used car salesperson – this I know without ever having bought a car,
- > Never drive a car whilst uninsured – although I have thankfully never had an accident I have come to indirectly appreciate that insurance companies can serve a useful purpose,
- > Always seek legal advice at the earliest opportunity – the night before the hearing is less than ideal, the night after even less so,
- > Abalone is the most delicious creature on the face of the planet – while none has ever passed my lips, their tastiness can be inferred from the number of clients who continually risk stiff penalties to catch and devour the little blighters

Another advantage to be gained from jumping on the Pakenham train every second Tuesday evening is the opportunity to interact with people of every description from almost every culture. Although of course I’d prefer to meet them in a more congenial setting (over a plate of abalone, perhaps), it is through SMLS that I have had the privilege to meet such a diversity of people. All of them react to their legal plight with anything from quiet dignity to teary hysteria,

but common to them all is the fact that they are real people with real problems. A stint at SMLS therefore offers volunteers that which is usually missing from the pages of casebooks and from the sterile skyscrapers of commercial law firms – the challenge of making the law accessible, intelligible and useful to real people.

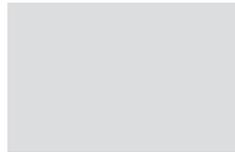
Finally, SMLS has exposed me to the generosity and good grace of the other volunteers. Why does SMLS attract such people? I think it is because it acts as a kind of sheltered workshop for lawyers – and aspiring lawyers – who find no outlet for their conscience amid the legal profession’s narrow pursuit of power, status and wealth. As a result, it offers a respite from the drudgery of law school and private practice. Notwithstanding the fact that it is sometimes hard work, SMLS thereby enables volunteers to spruce up their CVs, to make justice accessible to all, and to learn how to divorce people in an atmosphere of supportive, relaxed collegiality.

Slade Trophy Night



1. Adrian Evans, Nick Button, Matt Baker-Johnson 2. Lucy Shepherd, Penina Berkovic 3. Matt Baker-Johnson, Nick Button 4. Alan Ray, Adrian Evans 5. Katarzyna Djjak, Misty Royce, Andrew Downie 6. David Staraggi, Ross Hyams, Gail Bowden, Fotini Kypraios 7. Darren Koh, Noeline Perera 8. Natalie Attard 9. Ross Hyams, Fotini Kypraios 10. Ross Hyams 11. Ross Hyams, Vanessa Sweeney, Sang Heng

Slade Trophy Night: *continued*



1. Vanessa Sweeney, Jacquelyn Molony 2. Prof Prac Students with Stratos Hatziefstratiou 3. Stratos Hatziefstratiou, 4. Annamie Hale, Nick Button 5. Andrew Halphen, Natalie Attard 6. Sang Heng, Huong Nguyen, Caroline Grace, Mai Le 7. Misty Royce, Andrew Downie 8. Alan Ray, Andrew Halphen

SMLS Statistics

Mandatory Quantitative Performance Indicators for the period 1 July 2002 to 30 June 2003 (NIS Report NPC 113)

Legal Advice

Number of clients	1,959
Face to face	2,054

Casework

Clients with cases open + clients with cases opened	2,244
Cases opened	1,525
Cases closed	1,356

Non-Casework (SMLS data)

Community Legal Education Projects	6
Law Reform Campaign Projects	5

Mandatory Quantitative Performance Indicators for Child Support for the period 1 July 2002 to June 2003 (NIS Report NPC 115)

Legal Advice

Number of clients	57
Face to face	57

Casework

Clients with cases open + clients with cases opened	246
Cases opened	181
Cases closed	83

SMLS Funding

Springvale Monash Legal Service Inc gratefully acknowledges the following organizations for their funding support:

Commonwealth Government

Generalist Community Legal Centre	\$ 89,644
Civil Litigation Project	\$ 71,267
Child Support Scheme project	\$ 97,532
Capital equipment donated	\$ 6,648

State Government / Victoria Legal Aid

Generalist Community Legal Centre	\$103,077
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City of Greater Dandenong

\$ 11,000

Monash University

\$ 44,737

In addition, Monash University provides a full time and part time solicitor, three part time administrative officers and pays some operating costs.

